THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 19934 OF 2005

DATED: 09.09.2005

Between:

Chaitanya T.R.Mukhi @ Chaitanya Teja Rani Muhi.M

... PETITIONER

AND

The Convenor, EAMCET-2005-cum-The Director of

Technical Education and others

... RESPONDENTS

ORDER:

The petitioner appeared in the EAMCET Entrance Examination conducted for the academic year 2005 and secured a rank of 18,652. On the strength of the Caste Certificate, dated 25.06.2001, issued by the Revenue Divisional Officer, Visakhapatnam, the petitioner claimed the seat reserved in favour of Scheduled Tribes. She was allotted a seat by the 1st respondent. However, during the course of verification of the certificates, the 3rd respondent entertained a doubt about the social status of the petitioner. Through memo, dated 30.08.2005, he proposed to conduct an enquiry against the petitioner and fixed 21.09.2005, as the date for appearance of the petitioner. Further, he proposed to conduct a preliminary enquiry on 25.05.2005, only for the purpose of placing the entire

matter before the District Level Scrutiny and Revenue Committee.

Sri D.Ramalinga Swamy, the learned counsel for the petitioner submits that the Caste Certificate was issued to the petitioner as recently as in the year 2001 under the provisions of the Andhra Pradesh (SC, ST, BCs) Regulation of Issue of Community Certificates Act, 1993 (for short 'the Act') and that simply by expressing a doubt about the genuinity of that certificate, the 3rd respondent cannot deny the petitioner, of her admission into an engineering college. He further contends that the Act as well as the Rules made thereunder mandate that as long as the certificate is in force, the holder thereof is entitled to the benefit of reservation, in the matter of admission to educational institutions or employment in public agencies. He contends that the admission of the petitioner cannot be delayed, on the basis of the proposed enquiry.

The learned Government Pleader for Social Welfare, on the other hand, submits that the 3rd respondent has undertaken the scrutiny of the Caste Certificates, only with a view to ensure that the benefits of the reservation are extended to the genuine candidates. He submits that the enquiry would be conducted without any delay and that the admission of the petitioner can be deferred, till the conclusion of the enquiry.

The petitioner was issued a Caste Certificate in Form-III by the Revenue Divisional Officer, Visakhapatnam on 25.06.2001 certifying that she belongs to Konda Dora Community, which is recognized as a Scheduled Tribe. The fact that the father of the petitioner is enjoying the same status vis-à-vis his employment adds strength to this. With a view to ensure that proper scrutiny of the social status of various individuals is undertaken, the 1st respondent has taken the assistance of the 3rd respondent. No exception can be taken to such an exercise. However, in the name of verifying the genuineness of the certificates, the 3rd respondent cannot sit over the matter indefinitely, nor the admission can be delayed, on account of the contemplated enquiry.

The memo, dated 30.08.2005, issued by the 3rd respondent does not indicate that the genuinity of the Caste Certificate issued to the petitioner is doubted. He expressed his doubt as to the contents thereof. The Act provides for a presumption as to the genuinity of the Caste Certificate, till it is set aside. Even where any doubt is entertained about the certificate or its contents, it is only the District Level Committee that is vested with the power to inquire into the matter. The 3rd respondent has stipulated 21.09.2005 as the date for appearance of the petitioner, only for the limited purpose of preparing the material, for placing it before the District Level Scrutiny and Review Committee. The Committee would, in turn, take its own time to pronounce upon the genuinity of the social status of the petitioner. In the meanwhile, the last date for admission would expire and the Course would be in progress. The career of the petitioner cannot be brought to a stand still, on the basis of the mere suspicion expressed by the 3rd respondent. If the competent authority under the Act and Rules initiates proceedings for cancellation of the Caste Certificate issued to the petitioner and ultimately, if it is cancelled, the benefit extended to the petitioner shall certainly be withdrawn. Till such time, the petitioner cannot be made to suffer.

For the foregoing reasons, the writ petition is disposed of, directing that respondents 1 and 2 shall process the admission of the petitioner without waiting for the final orders from the 3rd respondent. However, an endorsement shall be made on the admission slip or proceedings to the effect that the admission of the petitioner into I-Year of B.Tech Course shall be subject to the outcome of the enquiry that is undertaken or initiated by the 3rd respondent. It is also made clear that in case, the Caste Certificate issued to the petitioner is cancelled, she shall not be entitled to pursue the remaining part of the Course. There shall be no order as to costs.

_____

09.09.2005

Note: Issue C.C. in three days.

(B/o)

Jsu